

United States District Court  
for the  
Southern District of Florida

United States of America, )  
Plaintiff )  
 )  
v. ) Criminal Case No. 23-20330-CR-Scola  
 )  
Emilio Amado Vrdoljak, )  
Defendant. )

**Order Denying Motion for Rehearing and/or Reconsideration  
of the Court's Order Denying the Defendant's Motion to Suppress**

This matter is before the Court on the Defendant Emilio Amado Vrdoljak's motion for rehearing and/or reconsideration of the Court's order denying his motion to suppress. For the reasons set forth below, the Court **denies** Vrdoljak's motion. (**Mot. for Recons., ECF No. 42.**)

Vrdoljak asks the Court to reconsider its prior decision denying his motion to suppress evidence obtained as a result of a border search of his cell phone at the Miami International Airport. Vrdoljak argues that the Court's decision was clearly erroneous and will greatly prejudice his ability to have a fair and impartial trial, resulting in manifest injustice. The Court is not convinced.

Contrary to Vrdoljak's position, the Court considered all the relevant case law and facts in denying Vrdoljak's motion to suppress. After considering those materials, the Court determined that the initial search of Vrdoljak's cellphone by the CBP officers at the border amounted to a routine search, for which no reasonable suspicion was required. In addition, the Court explained that, even if the CBP officers' search of Vrdoljak's cellphone amounted to an intrusive search, in the Eleventh Circuit even such nonroutine "border searches require *no suspicion* at all." *See United States v. Haynes*, No. 19-80045-CR, 2020 U.S. Dist. LEXIS 3426, at \*2, 2020 WL 109061, at \*1 (S.D. Fla. Jan. 8, 2020) (Altman, J.) (emphasis in original) (citing *United States v. Touset*, 890 F.3d 1227, 1233 (11th Cir. 2018)). Finally, the Court also found in the alternative that the CBP officers in fact had developed reasonable suspicion to warrant their search of Vrdoljak's cellphone. Specifically, in its findings of fact, the Court detailed how the unique circumstances of Vrdoljak and Minor 1's passage through immigration reasonably aroused the suspicions of various CBP officers.

Accordingly, finding no merit to Vrdoljak's arguments for rehearing and reconsideration, the Court **denies** Vrdoljak's motion. (**Mot. for Recons., ECF No. 42.**)

**Done and Ordered** in Chambers at Miami, Florida, on December 11, 2023.



Robert N. Scola, Jr.  
United States District Judge